

1
2
3
4
5
6
7
8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
10

11 NARINDER KAUR,

12 Plaintiff,

13 v.

14 COMMISSIONER OF SOCIAL SECURITY,

15 Defendant.

Case No. 1:20-cv-0249-SAB

ORDER DENYING APPLICATION TO
PROCEED *IN FORMA PAUPERIS*
WITHOUT PREJUDICE AND REQUIRING
PLAINTIFF TO FILE LONG FORM
APPLICATION

(ECF No. 2)

TWENTY DAY DEADLINE

17
18 Narinder Kaur (“Plaintiff”) filed a complaint in this action seeking review of the final
19 decision of the Commissioner of Social Security denying disability benefits. (ECF No. 1.)
20 Plaintiff did not pay the filing fee in this action and instead filed an application to proceed *in*
21 *forma pauperis* pursuant to 28 U.S.C. § 1915. According to Plaintiff’s application to proceed *in*
22 *forma pauperis*, her family income is over \$25,000.00 per year.

23 In assessing whether a certain income level meets the poverty threshold under Section
24 1915(a)(1), courts look to the federal poverty guidelines developed each year by the Department
25 of Health and Human Services. See, e.g., Paco v. Myers, No. CIV. 13-00701 ACK, 2013 WL
26 6843057 (D. Haw. Dec. 26, 2013); Lint v. City of Boise, No. CV09-72-S-EJL, 2009 WL
27 1149442, at *2 (D. Idaho Apr. 28, 2009) (and cases cited therein). The 2020 Poverty Guidelines
28 for the 48 contiguous states for a household of two is \$17,240.00. 2020 Poverty Guidelines,

1 <https://aspe.hhs.gov/2020-poverty-guidelines> (last visited February 20, 2020). Plaintiff's income
2 of \$25,000.00 is well above the poverty level which would indicate that she is not entitled to
3 proceed *in forma pauperis* in this action.

4 Accordingly, the Court will order Plaintiff to complete and file an Application to Proceed
5 in District Court Without Prepaying Fees or Costs (Long Form) – AO 239. If Plaintiff is
6 unwilling to complete and submit the long form application, Plaintiff must pay the filing fee in
7 full.

8 Based upon the foregoing, it is HEREBY ORDERED that:

- 9 1. Plaintiff's application to proceed *in forma pauperis* is DENIED without prejudice;
- 10 2. The Clerk of the Court is directed to forward an Application to Proceed in District
11 Court Without Prepaying Fees or Costs (Long Form) – AO 239 to Plaintiff;
- 12 3. Within **twenty (20) days** of the date of this order, Plaintiff shall either (1) pay the
13 \$400.00 filing fee for this action, or (2) complete and file the enclosed
14 Application to Proceed in District Court Without Prepaying Fees or Costs (Long
15 Form) – AO 239; and
- 16 4. If Plaintiff fails to comply with this order, this action shall be dismissed for failure
17 to pay the filing fee and failure to comply with a court order.

18 IT IS SO ORDERED.

19 Dated: **February 20, 2020**

20 
21 _____
22 UNITED STATES MAGISTRATE JUDGE
23
24
25
26
27
28